## REMARKS

Claims 1-9 are pending in the application and stand rejected.

Rejection under 35 U.S.C §102

Claims 1 and 9 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,591,306 to Redlich. In the previously filed Response, Applicant explained that Redlich does not in fact disclose all claimed limitations. In the present Action, the Examiner answers that Redlich does in fact teach "each PDU having a message-type field by which the security entity in the intermediate system can determine whether a PDU it receives encapsulates a PDU to be extracted and sent on" because the Examiner reads Redlich's message-type field as being the PDU's port number that is used to determine where a PDU should be routed. The Examiner also maintains that Redlich does contemplate multiple tunnels being available and cites col. 24, ll. 53-57 and col. 25, ll. 15-18.

Applicant once again respectfully traverses the Examiner's rejection in view of this art. However, in the interest of making the scope of the claimed invention clearer and thus assist the Examiner in identifying the differences between the claimed invention and the art, Applicant has amended claims 1 and 9, and further canceled claims 7-8 without prejudice. The claimed invention is essentially directed to a local system setting up a secure communications session with a remote system via an access-controlling intermediate system. To do so, the local system sets up a first security session with the intermediate system involving the exchange of protocol data units (PDUs) that are referred to in the claims as "first PDUs" and then sets up a second security session with the remote system, the second security session being nested in the first security session – that is, the PDUs of the second security session ("second PDUs") being encapsulated as payload in the first PDUs when passing from the local system to the intermediate system. Each such first PDU comprises, in addition to payload data, addressing information and a message-type indicator indicating whether the payload of the first PDU is for an application of the intermediate system (message type APPLICATION), or whether the payload is to be transferred on to the remote system (message type TUNNEL).

As the Examiner has noted, Redlich uses addressing information of the encapsulated IP packets to enable a tunnel endpoint system (such as the tunnel server shown in Figure 11) to

determine where the IP packets are to be routed, and more specifically uses port numbers for this purpose as disclosed by the discussion of the "IP masquerading" technique in connection with the fourth embodiment disclosed. However, a port number is generically part of the addressing information of an IP packet (the endpoints of an IP connection are defined by an IP address and a port number as is well known to persons skilled in the art). Such use of the port numbers of the encapsulated IP packets to enable the tunnel server to determine whether or not to send on a packet is a completely different method than that used by the inventions defined by amended claims 1 and 9. In Applicant's claims, the decision whether or not the intermediate system (the tunnel server of Redlich) should send on an encapsulated "second" PDU (the IP packets of Redlich) is based on a message-type indicator that is part of the encapsulating "first" PDU and is distinct from the addressing information and payload of that PDU. The encapsulating PDU of Redlich is a PPTP packet; there is no disclosure or suggestion anywhere in Redlich that this packet has, in addition to the addressing information and payload of the PPTP packet (the PPTP packet payload is, of course, the encapsulated IP packet), a message-type indicator that indicates whether it encapsulates a second PDU that is to be extracted and sent on. A clear advantage of the claimed method is that the intermediate system does not need to look into the encapsulated packet in order to determine whether that packet is to be sent on or used locally.

Applicant further wishes to note that the Examiner appears to have misunderstood the earlier argument regarding the single security session set up by Redlich. Again, Applicant's point is that the guest station of Redlich only sets up one security session, this being with the tunnel server, and does not set up a security session with the target system, as this is unnecessary because the tunnel server itself exists in a trusted environment (see passage quoted above). The Examiner recites to disclosure in Redlich that additional secure tunnels may be created to other trusted routers on the Internet. This has no bearing on Applicant's argument that, regardless, Redlich does not set up a security session with the target system. Although the tunnels between the access router and outside router are secure tunnel, they are not set up by the guest station but by the access router to ensure that guest packets cannot leak out behind the host network's firewall.

In view of the above, Applicant respectfully submits that claims 1 and 9 are in fact patentable over Redlich.

Rejection under 35 U.S.C §103

Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Redlich in view of U.S. Pat. No. 5,898,784 to Kirby et al., claims 3-5 as being unpatentable over Redlich in view of U.S. Pat. No. 6,081,306 to Subramaniam, and claim 6 as being unpatentable over Redlich in view of U.S. Pat. No. 6,574,224 to Brueckheimer.

Claims 7 and 8 have been canceled without prejudice.

Claims 2-6 depend from claim 1. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, in light of the above discussion of claim 1, Applicant submits that claims 2-6 are also allowable.

In view of the above, Applicant submits that the application is now in condition for allowance and respectfully urges the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

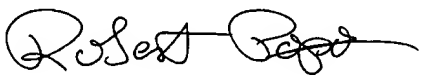
March 1, 2005
(Date of Transmission)

Mia Kim
(Name of Person Transmitting)


(Signature)

3/1/05
(Date)

Respectfully submitted,



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